

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

ROGER GARCIA,

Defendant. :

-----x

COUNT ONE

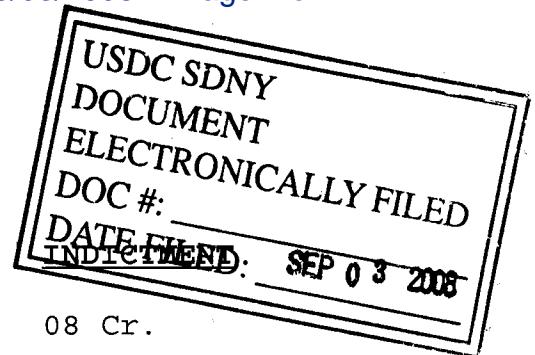
The Grand Jury charges:

1. From on or about May 30, 2008, up to and including on or about June 4, 2008, in the Southern District of New York and elsewhere, ROGER GARCIA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other, to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ROGER GARCIA, the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code Sections 812, 841(a)(1), and 841(b)(1)(B).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others,



08CRIM 831

were committed in the Southern District of New York and elsewhere:

a. On or about May 30, 2008, ROGER GARCIA, the defendant, provided a sample of cocaine to an individual in New York, New York.

b. On or about June 4, 2008, GARCIA sold cocaine to an individual in New York, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, ROGER GARCIA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds GARCIA obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Indictment, including a sum of money representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Indictment.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841 and 853.)

Sherry L. Colvin
FOREPERSON

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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- v. -

ROGER GARCIA,

Defendant.

INDICTMENT

08 Cr.

(21 U.S.C. § 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Sherry Pecchioni

Foreperson.

Filed indictment. Case assigned to Judge

Kaplan.

- Francis, J.

9/3/08
SF